596 614 most of the great empires have survived their founders for only a short time.

More often than not, a "young master" has a position in the community which is considerably less pleasant than that of a domestic slave who lives alongside him and ostensibly under his command. A domestic slave can escape or stir up all sorts of difficulties that result in the diminution of the patrimony. There is no such thing to be feared from a member of the community; should he be punished, banished, or leave, the common property does not suffer. If he goes away and is successful, he will not fail to share his good fortune with the community. Indeed, anyone who loses interest in the welfare of his community runs the risk of being cut off from it. He must actually live with the community; if not, he is treated as a dead member. [185] He must be present for anything that transpires. The chronicle of Ségou gives an example. Quarrels broke out among Ngolo's sons when he died. Nyana-n-koro, who had been favored by his father, thought that this affection designated him as the successor to the deceased. Ngolo, however, had expressly chosen Ma-n-son in conformity with custom. Nevertheless, confident of winning, Nyana-n-koro tried to oust Ma-n-son by force, but in vain. In the course of these fratricidal struggles, certain members of the community remained neutral, hoping in this way to retain the good will of the victor. They gained nothing, however, because Ma-n-son was the winner and turned against them. He sentenced his brothers Séri and Ba to a sort of exile from the community, giving each of them a token share of the estate and ordering them not to increase it.

421 596 614 Since property is held in common, the fa is obliged to give some benefits to all the members of the community. This is why, when necessary, he provides the marriage payment that enables a young man to found a family; he ransoms persons who have been enslaved; he provides for the sick when their expenses are high; he pays civil, judicial, or other debts when the debtor is forced to pay and the community is responsible. These payments, however, which are made with the approval of the senate, are regarded as loans to the recipient with his consent, he is henceforth in debt to the community. He will not only have to repay

421 596 614 the loan but something in addition, and he will always show his gratitude for it. If the repayment drags on and on, as usually happens, the community does not withdraw his right to the debt, which is never lost; it watches for a turn for the better in the debtor's affairs, meddles in his business, and plagues his widows and children for all it can get from them after his death. The rapacity of the community uses the old debt as an excuse for seizing everything left by the debtor.

466 596 614 Every member of the community, strictly speaking, is at the service of the community and must therefore cooperate to assure its prosperity. If he cannot work himself, or does not wish to, in the fields, for instance, he must provide a substitute in the person of one of his children or his own slaves. To the extent that he cannot find the means to exempt himself, [186] he is treated as one of the "poor" and is forced to work.

166 It is easy to understand that the young men often leave to make their fortunes elsewhere in order to escape a power that is so suspicious, troublesome and all-pervading. Some of them never return, either because they have managed to create an independent life for themselves, or because they are more comfortable at a safe distance from their authoritarian elders. More often, however, the young man, having founded an independent family far away, keeps in close touch with his community and watches developments there in case he may one day be able to profit from them.

578 561 885 The young men who stay at home form a party of intrigue which is forever at war with the fa and the senate. Their opposition weakens, however, as they approach the age at which they too will participate in the faya to which they aspire. Gradually, as one changes from kamalen' to bina, he acquires the same niggling authoritarianism which then arouses the animosity of the new kamalen'-u.

562 583 In concluding this study of the members of the community, the situation of girls remains to be discussed. Like the boys, they belong completely to the community, which, as a result, has the right to make as much profit out of them as possible. So, since exogamy is the rule, the community cedes the girl in usufruct to whoever pays the bride price, and because she will

562 583 inevitably leave the community, she can never claim any authority. Thus condemned to perpetual powerlessness, a woman never has the right to any position other than an inferior one in native society. Motives based on interest or affection may modify her situation more or less to her advantage, but they will not change her basic rights, which are at the root of all disputes about women, between spouses or between communities.

II. The Community of Property

●421 What is the property of which the patrimony is composed?

It is impossible to provide a detailed list, which would, in any case, he endless. Nor should we limit ourselves to the definitions of our legal system, which are too narrow. From the native point of view, patrimonial property [187] may be divided into three principal categories.

[776] First, there are the gods; the manes, or souls of the ancestral protectors of the family; and the nyana, the gods created by the magician. Some of them protect only the community, while others are also concerned with other collectivities. Finally, there are the innumerable magic weapons, which are gods of a sort. In the discussion of the duties of the fa, I spoke of these gods, and they are also mentioned in other parts of this work.

421 424 A second category of property is made up of the reciprocal rights of the community and its members, on the one hand, and of the community and similar collectivities, on the other. I have just explained the first, and the second will be dealt with later in the chapter under the heading "Relations between Communities."

421 422 423 Finally, all the things that are particularly valued make up the third category: gold; cattle and sheep; grain; agricultural, industrial, and commercial products of all kinds; dwellings; etc. Three points related to this last category require special consideration: agrarian usufruct, conjugal usufruct, and slaves.

421 424 596 614 Finally, the status of a community is, as it were, synthesized and symbolized by the "honorable name" (dyamu), by which this collectivity titles itself and which it considers one of its most precious possessions.

423 Agrarian usufruct. Ownership of land does not exist. Each family has a right of use, uncertain in principle but permanent in fact, over the lands assigned to it in the domain of the genie-protector (nyana dugu-da-siri).

It may happen that a single family is the sole beneficiary of a given domain because it is the only one linked to the genie protecting the place.

More generally, various families are under the protection of the same local genie, whose domain in that case includes the parts exploited in common as well as the fields expressly assigned to individual families under its protection. The agrarian usufruct which is included as part of the community property exists with respect to these individual fields.

This usufruct differs from that recognized by our law. It is the dugu-tigi and his council who allot the common lands, and the process always involves wrangling and [187] deals. In principle, the plot assigned remains indefinitely with the family benefited if it is continuously farmed and an annual fee is paid. Following the land for several years is permitted. The family exploiting the land may use it in any way, and its right is as complete as possible, short only of alienating it. The family may lease, cede, or pawn its usufruct. If a transaction involves a foreigner, however, it may not be concluded without the consent of the dugu-tigi, who consults his council. In general, any action which might conceivably injure the welfare of the community as a whole must be submitted to the dugu-tigi for approval before being undertaken.

The usufruct comes to an end under the following circumstances: when a family permanently leaves the community governing the fields; when the dugu-tigi and his council decide to dispose of the land for reasons which they are not required to give; when a family gives the land up voluntarily or has been deprived of it because it has been used in a manner contrary to the interests of the agrarian community.

794 his acolytes are exceedingly zealous in discovering wrong-
681 doings and the guilty parties and in requiring material proof of repentance, which they determine and try to multiply since they appropriate the whole profit, albeit abusively. Theoretically, these fines are not very heavy and are paid in kind (fowl, a goat, a dog, some kola nuts, millet, beer), but, when multiplied, they become a heavy burden for the debtor. He cannot evade this method of extortion, because his persecutors, in league against him, use every means, even criminal, to force him to pay.

794 Strictly speaking, all the property belongs to the nyana;
421 it is by rights the common property of the nyana-den' and in
426 principle is not to be privately appropriated nor alienated. It is to be used only for the needs of the cult, for assisting needy members, and in exceptional cases for loans to outsiders at exorbitant interest. For that matter, the nyana-den' who gets a loan from the common fund must repay it [261] as soon as his affairs take a turn for the better and, insofar as possible, add a certain amount in order to show his gratitude. It sometimes happens that an outsider is aided out of the common fund; this is a kind of charity which is both a good advertisement and extremely profitable.

794 The common property is not to be appropriated by any
421 dignitary or member of the brotherhood for his own benefit. Although there is certainly not a single native who is unaware of this regulation (1), it is all too evident that abuses have led

1. Raffenel writes (op. cit., p. 239): "The victims' flesh and other objects become the property of the poor."

to extraordinary perversions. The clergy regularly appropriates the property of the nyana to its own use, and in order to increase the profit, they do not hesitate to commit actual crimes that enable them to exploit the terror they inspire, which they are careful to nurture and to reinforce.

614 was called fama (1) (lord).

1. Etymologically, fama or fa-ma, "the powerful," from fa, "power, authority."

Mamari played a dual role: fa of his patriarchal community and at the same time fama of the clan. His successors followed the same practice. However, in order that his duties as fama may be carried out honestly, custom requires the incumbent to turn over the authority and the property of his patriarchal community to his eventual successor, thus retaining a merely honorary fa-ya, so as to avoid confusion whose origin and consequences are easy to imagine.

421 614 In reality, all the property of the furu-ba which the fama held for his use and exploitation always belonged to the clan, and consequently, in principle, was supposed to profit only the clan. When the fama retained his duties as fa, the property of the furu-ba and that of the patriarchal community were likely to be inextricably intermingled, and in the process a considerable fortune would be built up for the community. This wealth, dishonestly acquired, so aroused envy and criticism among the furu-ba dyon' that many of them tried -- sometimes successfully -- to enrich themselves in no less questionable a manner and also sought to lay hands on the estate of the fama because of the clan property taken into it.

In the last analysis, indeed, the only reason for belonging to a clan -- and this is its essential trait in common with the fla-n-ton' -- the possibility of enriching oneself in every way possible; each member of the clan hopes to appropriate as much of the property as possible. On the other hand, each member tries to prevent his brothers from doing likewise, on the pretext of that equality which legally is the basis of the relations between clan members. This hypocrisy dominates the whole life of the clan. It inspires all the acts of the fama in the course of his duties, and it also animates each furu-ba dyon' to such a degree that every one of them aspires to become fama. [304]

614 The fama receives his powers by election, the form of which has changed very little since Mamari's time.

614 Within the clan, property is also held in common and
575 administered by the fama who distributes it among the dyon'-
[421] kuntigi. The latter, in turn, make a further distribution as it is needed.

In the fla-n-ton' the important thing was provisions, material well-being. The same thing is true in the clan. The ton'-dyon' are interested in the profit to be derived from the association, and their feeling for the state is embodied in a very prosaic word, to-da, literally, "the pot of mush." Indeed, this is the principal item on the menue of any fraternal feast of the fla-n-ton'.

614 The property of the clan, as of the fla-n-ton', is theo-
421 retically jointly held by all the members, but since there is a large amount of it, some sort of sharing is necessary, first to consume it and then to reward zeal and fidelity and to encourage emulation and devotion. As a result, the basic egalitarianism is altered. From the clan's beginning it was conceded that a substantial part of the wealth should go to those [308] who had done most to acquire it. Thus, the leader of an expedition had a prior right because of his "luck," and he and his men further received the wherewithal "to repair the rents in their shirts," i.e., to indemnify them for damages suffered during the expedition.

[127] Each warrior kept his own loot, except for unusually valuable things which went to the clan and therefore to the fama who represented it. The part of the loot not taken by individuals was distributed by the fama after abstracting the best and largest part of it for himself.

Strictly speaking, no one actually owned any of this wealth, since all of them, even the fama, merely held it on very precarious terms. Through the caprice of the clan, anyone could [562] have everything taken away, and this applied to persons as well as to things, because the wives and children of the ton'-dyon' were, like himself, the "chattels" of the clan.

The passage of time softened the outward form of these principles; barring abuse or notorious misconduct, each individual had indefinite use of what was allotted to him and handed it on to his descendants. This usufruct, incidentally, was broader than that of our law. In addition, Mamari arrogated to himself a kind of eminent right: he appointed himself -- through usurpation facilitated by his power -- the dispenser of offices and wealth

614 and kept considerable property for himself. For their part, the
421 ton'-dyon', pleased with their lot, carefully kept out of sight
so as to be able to enjoy what they had been given and what
they had managed to add to it.

These usurpations tended to become stabilized through inheritance, although not without dreadful disturbances.

After Mamari, the office of fama was handed down within
614 his family until the day when the assembly of the ton'-dyon',
+173 dissatisfied with Dékoro's regime, decided to "change the seed," a quaint metaphor for the clan's determination to have a more amenable fama.

The ease with which Dékoro was eliminated (and others after him) also shows that the fama was, and after all could only be, what the ton'-dyon' allowed him to be. This makes it clear that the spirit [308] of the fla-n-ton' never died; the fama merely appeared to be more than primus inter pares at times when his personal influence temporarily made him master of the situation.

At such times, then, he may have governed without the opposition of the majority, but such a period of dominance has always been personal and temporary. In reality, dissension was
[578] ever present and was made manifest in fratricidal quarrels, during which the fama seemed to be principally concerned with gratifying personal grudges.

The chronicle shows us that the fama was at the mercy of the ton'-dyon'; without them he could do nothing. The Monday and Thursday meetings, which were a condition of his authority, continued for a long period of time. In any event, this assembly (furu-ba) was the whole of the clan. In ordinary times, the assembly was stimulated by the pleasure of drinking the beer which the fama, like the ton'-tigi before him, always provided. Worship of the clan idols was also the occasion for some of these meetings, accompanied by eating and drinking. The fama invariably made every effort to use these gatherings, usually disorganized, to further his own interests as well as those of the clan.

When Mamari's authority was well established, these meetings no longer played any deliberative or even consultative role, except in the gravest circumstances when the very existence of the clan was at stake. It was logical that the council of the

614 Lengthy and noisy festivities, where dlo (millet beer) flows freely, food is abundant, and songs and dances are performed, [329] mark the general rejoicing. They last for seven days, but forty days must elapse before the new fama is deemed definitively installed.

In theory, the new fama must turn over the management of his own community to his heir presumptive. In fact, however, this retirement is usually fictitious. The fama intermingles his [421] own property and the property he administers for the clan to such an extent that, in the last analysis, the Massa-si and everything dependent on them -- persons and things -- are an inherent and inseparable part of the clan. Under the cover of this confusion, the general and determined tendency of all the fama was to work unceasingly at confiscation from the clan for the benefit of the community of the Massa-si. At least they have managed to make their office absolutely hereditary, with no possibility of competition, and as a result the election is merely the public recognition as fama of whatever individual is considered by the Massa-si to be fa of their community.

This accounts for the superior role of the Massa-si. They are the provincial governors, heads of army corps, etc., thus confirming the seizure of all sorts of clan property by the Massa-si community.

The corps of sofa is particularly powerful, and through it the fama is easily able to counterbalance any attempted insubordination which sometimes shows itself among the heads of the ton'-dyon'. The leader of the slaves is, in any case, the personal tool of the fama.

184 These measures emphasize the close connection between the fama and the ton'-dyon'. On examination, this appears to be 614 much closer than at Ségou, because from the very beginning in Kaarta the fama assured himself of unquestioned pre-eminence over the ton'-dyon', and later he was able to remain free of the influence of the ton' and even to impose his authority by relying on the loyalty of the sofa.

There was another peculiarity in the fact that the principal allies of the Massa-si, the Konaré, called Kala-n-ka-u (people